

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MISSOURI PRIMATE FOUNDATION,)
CONNIE BRAUN CASEY, individually,)
ANDREW SAWYER, individually,)
and JANE DOES 1 and 2,)

Plaintiffs (former)/)
Counterdefendants (present))

vs.)

No. 4:16-cv-02163

PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC. and)
ANGELA SCOTT a/k/a ANGELA)
G. CAGNASSO, individually,)

Defendants (former)/)
Counterplaintiffs (present))

**PLAINTIFFS'/COUNTERDEFENDANTS' FIRST AMENDED EMERGENCY
VERIFIED MOTION TO WITHDRAW**

COME NOW counsel for Plaintiffs/Counterdefendants, and for his First Amended
Emergency Motion To Withdraw states as follows:

1. Counsel filed an Emergency Motion to Withdraw on February 26, 2018, and incorporates this motion herein by reference. *See* Doc. #44. This motion is based upon Lead Counsel Kurtis Reeg's developing medical condition. *Id.* at ¶¶ 2-3.

2. On March 5, 2018, the court ordered a hearing on this matter, noting various deficiencies with the motion filed by counsel. *See* Doc. #48. These deficiencies are addressed below.

3. First, prior to filing the Emergency Verified Motion to Withdraw, the undersigned counsel communicated in writing with each of the individual plaintiffs and spoke in person to each individual plaintiff (some several times). Each individual plaintiff (and Missouri Primate

Foundation) indicated understanding of counsel's medical situation. Counsel spoke again to each individual plaintiff on March 5, 2018, at which time they again indicated their agreement to the undersigned counsel's withdrawal. Counsel will provide copies of applicable communications to the Court at the hearing on March 12, 2018.

4. Second, Mr. Reeg has been working with all of the individual clients to locate new counsel and has talked to several potential new counsel as well. Counsel is cooperating with the potential new counsel and also has been working with the individual clients regarding the discovery recently served on them by Defendants/Counterplaintiffs.

5. Third, counsel can provide contact information for the three individual Plaintiff/Counterdefendant parties Mr. Sawyer, Ms. Casey and Jane Doe 2. Two of these clients do not reside in Missouri; Ms. Casey does reside in Missouri. Missouri Primate Foundation no longer exists and was "administratively dissolved or revoked" by the Missouri Secretary of State as of January 3, 2018. *See* Exhibit 1 attached hereto.

6. Counsel has sent a copy of the Courts' Order (Doc #48) to each of the Plaintiffs/Counter-Defendants. Ms. Casey (the original incorporator of Missouri Primate Foundation) and Mr. Sawyer have advised counsel they will attend the hearing. Jane Doe 2 has advised that due to health issues of his own, he cannot attend. Counsel can identify for the court Jane Doe's medical condition and his physicians contact information.

7. While the court noted that Lynn Lehnert never formally entered an appearance for this matter, *See* Doc. #48, Ms. Lehenrt cannot practically remain as lead counsel, as she resides in Michigan. *See* Doc. #44 at ¶ 8. Ms. Lehnert is only a part-time associate of Goldberg Segalla, licensed in Missouri, Illinois, and Michigan, working on an as-needed basis. She primarily performs legal research and writing projects, such as in this case, researching the Endangered

Species Act and law related thereto. Ms. Lehnert moved to Grand Rapids, Michigan, from St. Louis, Missouri, in June 2010. In order to appear in court, meet with clients, and/or conduct other tasks related to this litigation, such as depositions, she would have to drive eight (8) hours one way from Michigan, or sixteen (16) hours round-trip. In the alternative, she would have to fly to and from St. Louis at a cost to her of approximately \$500 each trip, without reimbursement. This is neither productive to the client nor practical to the expeditious resolution of this matter. Finally, this is an emergency motion so that Mr. Reeg can cut down on his caseload per his doctor's instructions, focus on his health, and allow time for substitute counsel to enter before this case proceeds further.

8. As noted in the original Motion to Withdraw, undersigned counsel will provide the Court at the hearing correspondence from his physician setting forth certain issues regarding Mr. Reeg's medical condition, supporting counsel's emergency motion to withdraw based upon his health circumstances.

9. This case has been pending for approximately sixteen (16) months and is just now beginning discovery. As stated in the original Motion, this is a Track 2 case and discovery has just started. *See* Doc. 44 ¶¶ 6-7.

10. Counsel is happy to hold a status/other conference by phone with the Court and/or the Court's staff to facilitate resolution of any issues related to the Motion to Withdraw if that assists the Court in any way.

WHEREFORE, Plaintiffs/Counterdefendants request that the Motion to Withdraw be granted under terms and conditions that the Court orders.

Respectfully submitted,

GOLDBERG SEGALLA LLP

By: /s/ Kurtis B. Reeg
Kurtis B. Reeg, MO Bar #27684
kreeg@goldbergsegalla.com
8000 Maryland Suite 640
St. Louis, Missouri 63105
Telephone: 314-446-3350
Facsimile: 314-446-3360

Attorneys for Plaintiffs/Counterclaim Defendants

VERIFICATION

COMES NOW Kurtis B. Reeg, counsel for Plaintiffs/Counterclaim Defendants, and verifies under the penalty of perjury that the aforesaid Amended Emergency Motion of Plaintiffs'/ Counterclaim Defendants' Counsel to Withdraw, and the assertions therein, are made in good faith and are true and correct.

/s/ Kurtis B. Reeg

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I electronically served the foregoing through filing it with the United States District Court – Eastern District of Missouri by using the CM/ECF system.

/s/ Kurtis B. Reeg